

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JOSEPH MUNDY,

Plaintiff,

v.

LIFE INSURANCE COMPANY OF NORTH  
AMERICA, *et al.*,

Defendants.

Case No. 08-cv-01576

Hon. Elaine E. Bucklo

**YELLOW TRANSPORTATION COMPANY'S  
MOTION FOR EXTENSION OF TIME TO ANSWER OR  
OTHERWISE RESPOND TO PLAINTIFF'S SECOND AMENDED COMPLAINT**

Yellow Transportation Company, Inc., ("Yellow"), respectfully moves the Court for an extension of time, until October 6, 2008, to file its Answer to Plaintiff's Second Amended Complaint. Yellow states the following in support of its Motion:

1. Plaintiff's Amended Complaint includes two counts: Count I, directed against Yellow Transportation Company, Inc., is a state law breach of contract claim against Yellow, seeking short-term disability benefits under Yellow's Short Term Income Replacement Plan. Count II, directed against Life Insurance Company of North America and the Yellow Roadway Corporation Long-Term Disability Benefits Plan, is claim for benefits under an ERISA plan. Yellow is not a party to Count II.

2. Yellow's Answer to Count I is presently due on September 8, 2008.

3. Yellow and Plaintiff have reached tentative agreement on the dollar amount of a settlement, and are presently working to finalize an appropriate settlement agreement.

4. Yellow therefore requests a brief extension of time to file its answer, in the expectation that Yellow and Plaintiff will have finalized their settlement before the answer again becomes due.

WHEREFORE, for the foregoing reasons, Yellow Transportation Company, Inc. requests an extension of time, until October 6, 2008, to file its answer to Count I of Plaintiffs' Second Amended Complaint.

Respectfully submitted,

YELLOW TRANSPORTATION COMPANY,  
INC.

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Dated: September 8, 2008

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby states that a true and correct copy of the foregoing **DEFENDANT YELLOW TRANSPORTATION, INC.'S MOTION FOR AN EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S SECOND AMENDED COMPLAINT**, has been filed with the Clerk of the Court using the CM/ECF system on this 8th day of September, 2008, which will send notification to the following counsel of record:

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